

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION**

FEDERAL TRADE COMMISSION,
et al.

Plaintiffs,

v.

SYNGENTA CROP PROTECTION AG,
et al.

Defendants.

Case No. 1:22-cv-828

**DEFENDANT CORTEVA, INC.’S
RESPONSE TO PLAINTIFFS’
MOTION TO FILE UNDER SEAL
PORTIONS OF MEMORANDUM IN
OPPOSITION TO DEFENDANTS’
MOTIONS TO DISMISS**

Pursuant to Rule 5.2 of the Federal Rules of Civil Procedure and Rule 5.4 of the Local Rules of Practice and Procedure, Defendant Corteva, Inc. (“Corteva”) submits this Response to Plaintiffs’ Motion to File Temporarily Under Seal Portions of Plaintiffs’ Memorandum in Opposition to Defendants’ Motions to Dismiss (the “Memorandum”). (Doc. 111.) Pursuant to Local Rule 5.4(c)(3), Corteva respectfully directs the Court to the arguments and legal support in its Memorandum in Support of Corteva’s Motion to File Under Seal Portions of Corteva’s Memorandum in Support of its Motion to Dismiss, (Doc. 97), and the evidentiary support in the Declaration of Ben Kaehler, (Doc. 88-1).

Corteva respectfully requests that this Court continue to redact certain portions of the publicly available Memorandum, and keep the unredacted Memorandum filed under seal. The information in the Memorandum that Corteva requests be permanently sealed includes the terms of Corteva’s discount programs with non-party distributors and information about Corteva’s business decisions, strategies and plans. Corteva has filed

under seal a version of the Memorandum with Corteva's proposed redactions highlighted. Corteva has met and conferred with Plaintiffs, and they do not oppose Corteva's proposed redactions.

Dated: February 24, 2023

Respectfully submitted,

/s/ David R. Marriott

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83.1(d).

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of February, 2023, I caused the foregoing RESPONSE TO MOTION TO FILE UNDER SEAL, and all attachments thereto, to be filed electronically with the Clerk of Court via the Court's CM/ECF system. Counsel for all parties in this case are registered CM/ECF users and will be served by the CM/ECF System.

This the 24th day of February, 2023.

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